



Senate

General Assembly

File No. 415

February Session, 2006

Substitute Senate Bill No. 188

Senate, April 6, 2006

The Committee on Government Administration and Elections reported through SEN. DEFRONZO of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING ENVIRONMENTAL REVIEW FOR CERTAIN STATE LAND TRANSFERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 4b-21 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (b) Any state agency, department or institution having custody and
5 control of land, an improvement to land or interest in land, belonging
6 to the state, shall inform the Secretary of the Office of Policy and
7 Management, in writing, when such land, improvement or interest or
8 any part thereof is not needed by the agency, department or
9 institution. Upon receipt of such notification, the secretary shall
10 arrange for such agency, department or institution to forthwith
11 transfer custody and control of such land, improvement or interest to
12 the Department of Public Works, along with adequate funding for
13 personnel and other operating expenses required for the maintenance

14 of such land, improvement or interest, and shall notify all state
15 agencies, departments and institutions that such land, improvement or
16 interest is available. Within ninety days of receipt of such notification
17 from the secretary, any state agency, department or institution that is
18 interested in utilizing the land, improvement or interest shall submit a
19 plan to the secretary that sets forth the proposed use for the land,
20 improvement or interest and a budget and timetable for such use. For
21 any land that may have significant natural resources or a public
22 recreational value, the Commissioner of Environmental Protection
23 shall review the land and make a recommendation to the secretary as
24 to whether all or a portion of the land should be preserved by transfer
25 of the property or a conservation easement therein to the Department
26 of Environmental Protection, imposition of restrictions or conditions
27 upon such transfer or transfer of all or a portion of the land, or a
28 conservation easement interest therein, to a third party. Such review
29 and any such recommendations shall be published in the
30 Environmental Monitor and shall provide for a written public
31 comment period. If the Commissioner of Environmental Protection
32 recommends that all or a portion of the land should be preserved, the
33 secretary, in making a final determination, shall confer with the
34 Commissioner of Environmental Protection as to the most appropriate
35 method to accomplish such preservation. If the Commissioner of
36 Economic and Community Development determines that such land,
37 improvement or interest can be utilized or adapted for use as an
38 emergency shelter or transitional living facility for homeless persons or
39 can be utilized or exchanged for property which can be utilized for the
40 construction, rehabilitation or renovation of housing for persons and
41 families of low and moderate income, said commissioner may (1)
42 within such ninety-day period, submit to the secretary, in lieu of such
43 plan, a preliminary plan indicating that the land, improvement or
44 interest can be utilized, adapted or exchanged for such housing
45 purposes and stating the type of housing that is planned, and (2)
46 within six months after the end of such ninety-day period, submit a
47 comprehensive plan for the development of such housing to the
48 secretary, in a form prescribed by the secretary. If the Commissioner of

49 Economic and Community Development submits preliminary and
50 comprehensive plans to the secretary within such periods, the agency,
51 department or institution having custody and control of the land,
52 improvement or interest shall transfer custody and control to the
53 Commissioner of Economic and Community Development in
54 accordance with such procedures as the secretary may prescribe. If (A)
55 the Commissioner of Economic and Community Development does
56 not submit a preliminary plan to the secretary within such ninety-day
57 period or so submits a preliminary plan but does not submit a
58 comprehensive plan to the secretary within such six-month period,
59 and (B) one or more agencies, departments or institutions submit a
60 plan for such land, improvement or interest to the secretary within
61 such ninety-day period, the secretary shall analyze such agency,
62 department or institution plan or plans and determine whether (i)
63 custody and control of the land, improvement or interest shall be
64 transferred to one of such agencies, departments or institutions, in
65 which case the agency, department or institution having custody of the
66 land, improvement or interest shall make such transfer, or (ii) the land,
67 improvement or interest shall be treated as surplus.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	4b-21(b)
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GAE *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Department of Environmental Protection	GF - See Below	None	None
Council of Environmental Quality	GF - See Below	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

Assuming that the Department of Environmental Protection (DEP) can review the unneeded state land utilizing the same process as their land acquisition programs, the workload increase could be handled within normal budgetary resources.

It is anticipated that any workload increase to the Council on Environmental Quality for publishing a review in the Environmental Monitor will be minimal and handled within the routine duties of the Council.

The Out Years

The ongoing impact identified above would continue into the future.

OLR Bill Analysis**sSB 188*****AN ACT CONCERNING ENVIRONMENTAL REVIEW FOR CERTAIN STATE LAND TRANSFERS.*****SUMMARY:**

This bill requires the Department of Environmental Protection (DEP) commissioner to conduct an environmental review of unneeded state land if it may have significant natural resources or a public recreational value. Based on the review, the commissioner must recommend to the secretary of the Office of Policy and Management (OPM) whether all or a portion of the land should be preserved by transfer to DEP or a third party. The commissioner may recommend that any transfer contain restrictions or conditions, or that a conservation easement be granted.

The bill requires the environmental reviews and resulting recommendations to appear in the *Environmental Monitor*, the Council on Environmental Quality's twice-monthly on-line publication, and provide for a written public comment period.

If the commissioner's recommendation includes preserving all or a portion of the land, the OPM secretary must confer with her about the best way to do so.

EFFECTIVE DATE: Upon passage

BACKGROUND***Transfer or Sale of State Real Property***

By law, state agencies, departments, and institutions send written notice to the OPM secretary when they have unneeded property. Before deciding to treat the property as surplus, the secretary must (1) arrange for the agency controlling it to transfer custody and control to

the Department of Public Works (DPW) and (2) notify all state agencies of its availability. Any interested agency has 90 days after receiving the notice to submit a plan to the OPM secretary showing how it would use the property, a timetable for using it, and a budget. The DPW commissioner is responsible for disposing of surplus property.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 19 Nay 0 (03/24/2006)